

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED  
2017 APR -4 PM 4:06  
DEPUTY CLERK *Vls*

DARYL ROBERTSON DDS, P.A.,

PLAINTIFF,

vs.

CENTRAL INSURANCE COMPANIES,

DEFENDANT.

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CIVIL ACTION CAUSE NUMBER

2:16-CV-222-J

**ORDER GRANTING IN PART / DENYING IN PART MOTION TO DISMISS**

Before the Court is the Defendant's Rules 9(b) and 12(b)(6) motion, filed October 24, 2016, to dismiss the Plaintiff's fraud and DTPA/Insurance Code claims. No response to this motion has been filed, and the time permitted under the federal rule to file a response has long expired. Defendant's motion is therefore granted in part as follows. On or before twenty-one (21) days from the date of this order the Plaintiff is to file an amended complaint setting forth factual allegations that, if proved, cure each of the pleading defects as set forth within the Defendant's motion. Any fraud or DTPA/Insurance Code violation alleged in the amended complaint that is not so cured from the pleading defects as set forth in the Defendant's motion will thereafter be subject to a dismissal with prejudice.

It is SO ORDERED.

Signed this the 4th day of April, 2017.

s/ Mary Lou Robinson  
**MARY LOU ROBINSON**  
SENIOR UNITED STATES DISTRICT JUDGE